

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	CHAPTER 7 PROCEEDING
)	
ENRIQUE MONTANO,)	CASE NO. 20 B 14690
)	
DEBTOR.)	HON. JANET S. BAER
)	(KANE)

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Friday, September 18, 2020, at 11:00 a.m.**, I shall appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the **Motion for Rule 2004 Examination of Debtor** a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Jeffrey S. Snell
Jeffrey S. Snell, Trial Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
(312) 886-0890

CERTIFICATE OF SERVICE

I, Jeffrey S. Snell, an attorney, certify that I caused a copy of this notice, attached motion and proposed order to be serviced on each entity shown on the attached service list at the address shown and by the method indicated on September 9, 2020, before 5:00 p.m.

/s/ Jeffrey S. Snell

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants

- **Manuel A. Cardenas** manuelantonio_cardenas@yahoo.com, manuel@manuelcardenas.law
- **Gina B Krol** gkrol@cohenandkrol.com, gkrol@ecf.axosfs.com;gkrol@cohenandkrol.com;acartwright@cohenandkrol.com;jneiman@cohenandkrol.com
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov

Parties Served via First Class Mail:

Enrique Montano
640A Rance Rd
Oswego, IL 60543

Enrique Montano
690 North Ohio
Aurora, IL 60505

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MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR

Now comes Patrick S. Layng, the United States Trustee for Region 11 (the “U.S. Trustee”), by his attorney, Jeffrey S. Snell, and moves the Court to enter an order authorizing discovery from Enrique Montano (the “Debtor”) pursuant to Fed. R. Bankr. P. 2004. As his reasons for this request, the U.S. Trustee states to the Court as follows.

1. This is a core proceeding under 28 U.S.C. §157(b)(2)(A) which this Court may hear and determine pursuant to Internal Operating Procedure 15(a) and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois and Local Bankruptcy Rule 9013-9.
2. Movant is the U.S. Trustee and brings this motion pursuant to Fed. R. Bankr. P. 2004.
3. On July 28, 2020, the Debtor filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code. On or about that same day, Gina Krol was appointed Chapter 7 Trustee in the Debtor’s case.
4. The Debtor’s Schedule E/F reflects \$286,124.28 in unsecured debt and includes individuals who gave the Debtor deposits for roofing services that have not been completed.

5. The creditors' meeting was commenced on August 24, 2020. After approximately 35 minutes of questions, the meeting was continued to September 21, 2020, with the Debtor to provide certain documents to the Chapter 7 Trustee in the interim.

6. The U.S. Trustee is reviewing the Debtor's case to evaluate the accuracy and completeness of his Schedules, Statement of Financial Affairs, and testimony at the creditors' meeting. In order to determine whether there may be a basis to object to the Debtor's discharge under 11 U.S.C. § 727(a) the U.S. Trustee needs to elicit discovery from the Debtor under Fed. R. Bankr. P. 2004(c), including the production of documents and attendance at an examination, if necessary.

WHEREFORE, the U.S. Trustee requests the Court enter an order authorizing the U.S. Trustee to conduct discovery of the Debtor pursuant to Fed. R. Bankr. P. 2004, and for such other relief as is just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: September 9, 2020

By: /s/ Jeffrey S. Snell
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United States Department of Justice
Office of the United States Trustee
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Chicago, Illinois 60604
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